

Article - State Government

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§18–220.

(a) (1) A notary public may select one or more tamper–evident technologies to perform notarial acts with respect to electronic records.

(2) A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(b) (1) Before a notary public performs the notary public’s initial notarial act with respect to an electronic record, a notary public shall:

(i) notify the Secretary of State that the notary public will be performing notarial acts with respect to the electronic records; and

(ii) identify the technology the notary public intends to use.

(2) If the Secretary of State adopts regulations under § 18–222 of this subtitle to establish standards for approval of technology used to perform a notarial act with respect to an electronic record, the notary public shall use technology that conforms to the standards.

(3) If standards and regulations adopted by the Secretary of State under this subtitle require technology used to perform notarial acts with respect to electronic records, the Secretary of State shall approve the use of the technology.

(c) (1) This subsection does not apply to a plat recorded under Title 3 of the Real Property Article.

(2) A clerk of the circuit court shall accept for recording under Title 3 of the Real Property Article a tangible copy of an electronic record containing a notarial certificate in a form sufficient under § 18–216(g) of this subtitle as satisfying any requirement that a record accepted for recording be an original, if the notarial officer executing the certificate certifies that the tangible copy is an accurate copy of the electronic record under § 18–203(c) of this subtitle.

(d) (1) A notarial certificate is prima facie evidence that the requirements of § 18–204(e) of this subtitle have been satisfied with respect to an electronic record if the certificate:

(i) is completed with the information required by § 18–215(a) of this subtitle;

(ii) includes an affixed or embossed official stamp as required by § 18–215(b) of this subtitle; and

(iii) is attached to or made a part of a tangible copy of an electronic record.

(2) A tangible copy of an electronic record purporting to convey or encumber real property or any interest in real property that has been recorded by a clerk of the circuit court for the county in which the real property affected by the record lies shall impart the same notice to third parties and be effective from the time of recording as if the tangible copy had been certified in accordance with the provisions of this subtitle even if the tangible copy may not have been certified in accordance with the provisions of this subtitle.

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